

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAN POKORNI,

Plaintiff,

V.

EDDIE CALDWELL and MUSIC OF THE SEA, INC.,

Defendants.

No. 21 C 6703

Judge Valderrama

PLAINTIFF'S MOTION FOR ALTERNATE SERVICE OF PROCESS UPON DEFENDANT
EDDIE CALDWELL PURSUANT TO SECTION 2-203.1 OF THE CODE OF CIVIL
PROCEDURE

NOW COMES Plaintiff, by his attorney, and pursuant to the provisions of Rule 4(e)(1) of the Federal Rules of Civil Procedure and Section 2-203.1 of the Illinois Code of Civil Procedure, moves the Court to enter an Order directing that service of summons upon Eddie Caldwell be accomplished by email, publication and regular mail, and in support thereof, represents unto the Court as follows:

1. On December 16, 2021, Plaintiff filed his Complaint, naming Eddie Caldwell as one of the defendants herein.
2. Plaintiff had summons issued to Eddie Caldwell promptly.
3. The records of the Illinois Secretary of State indicate that the Defendant Music of the Sea, Inc., maintains offices at 1507 E. 53rd St., Suite 689, Chicago, IL 60615; and that Defendant Eddie Caldwell resides at 16927 Ingleside Ave., South Holland, IL 60473.
4. Counsel retained private process servers It's Your Serve, to serve defendants with the Summons issued by the Clerk of this Court, and a copy of the Complaint issued by this Court.
5. On December 22, 2021, Wally Sindelar of It's Your Serve informed counsel that the address of 1507 E. 53rd St., Suite 689, is the address of a UPS Post Office Box.

6. On December 30, 2021, Wally Sindelar of It's Your Serve informed counsel that when the process server attempted to serve the summons on Defendant Caldwell at 16927 Ingleside, South Holland, Illinois, the person presently residing at that address, Tamika, stated that Caldwell did not reside at that address, and had not been present at that address for the past three years.
7. A skip search conducted by It's Your Serve, found information that Defendant Caldwell resides, or had resided at 2631 Indiana Ave., Chicago, IL, 60616.
8. Plaintiff thereupon had an alias summons issued by the Clerk of the Court.
9. On January 27, 1922, Christopher Moore executed an affidavit stating that Defendant Caldwell could not be served at 2631 Indiana Ave. A true and correct copy of that affidavit is attached hereto as Exhibit "A."
10. On February 15, 2021, ATG Legal Serve reported that it was unable to serve Justin Jacobson with summons.
11. Defendants Eddie Caldwell and Music of the Sea, Inc., maintain a web site on the Internet at Music of the Sea.com
12. Defendant Caldwell maintains a presence on Linked In, where he lists his contact information as: a) Eddie's profile: [linkedin.com/in/6ft7musicman](https://www.linkedin.com/in/6ft7musicman); b) a website at [musicofthesea.com](https://www.musicofthesea.com); and c) on Twitter at 6ft7musicman. Attached hereto as Exhibit "B" is a copy of the web page of Eddie Caldwell on Linked In, with the contact info listed therein.
13. Attached hereto as Exhibit "C" is a copy of the page of Eddie Caldwell on Facebook, which sets forth the same contact information.
14. Counsel for Plaintiff and It's Your Serve have conducted a diligent inquiry, and have been unable to find a current residence address of Eddie Calwell, or a business address of Music of the Sea, Inc.

15. Plaintiff caused a copy of the Alias Summons and the Complaint herein on the Illinois Secretary of State. Attached hereto as Exhibit “D” is the document issued by the Secretary of State acknowledging receipt of that service.
16. Pursuant to the direction of the Secretary of State, Plaintiff sent a copy of the Summons and Complaint to Defendant Caldwell as registered Agent of Music of the Sea, Inc. at the address 16927 Ingleside Avenue, South Holland, IL 60473. The envelope in which those items were included was returned by the U.S. Postal Service, “not found.” A copy of that returned envelope is attached hereto as Exhibit “E.”
17. Plaintiff has made diligent inquiry into the whereabouts and location of Defendants Eddie Caldwell and Music of the Sea, Inc., and have engaged in reasonable efforts to serve summons upon them, which efforts have been unsuccessful.
18. It is apparent that Defendant Eddie Caldwell has intentionally engaged in a course of conduct calculated to evade service of process herein, and that intentional evasion makes it impractical to serve him under either subsection 2-203(a)(1) or (a)(2) of the Code of Civil Procedure - 735 ILCS 5/2-203(a)(1), (a)(2).
19. Eddie Caldwell maintains an active presence on the Internet, using the email addresses Musicofthsea.com, and 6ft7musician on several internet locations.
20. Service upon Eddie Caldwell by email, response to him at his web sites are reasonable alternative methods of service upon Defendant Eddie Caldwell under these circumstances, and are consistent with due process of law.

WHEREFORE,, Plaintiff prays that the Court enter its Order authorizing service of process upon Defendant Eddie Caldwell email and messages to the addresses he has posted on the Internet, and by publication of a copy of an alias Summons and Complaint and further entering an order authorizing the issuance of an additional Alias Summons to be served upon Eddie Caldwell.

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